

State Sues to Block Use Of New Plants at VAAP

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The state department of public health Tuesday filed suit in U.S. District Court seeking to halt construction and operation of new facilities at the Volunteer Army Ammunition Plant until the plant complies with state water-quality standards.

Eugene W. Fowinkle, commissioner of the health department, filed the suit against the U.S. government and Atlas

Fowinkle contends in the suit that "Volunteer Army Ammunition Plant has been continuously discharging wastewater into the Tennessee waters of Waconda Bay and Harrison Bay which is causing damage to the quality of these bays and the Tennessee River without authorization from the state of Tennessee in violation of the Tennessee Code Annotated."

The suit states that the commissioner issued an order May 31 authorizing the plant to discharge wastewater not in excess of the average concentration of pollutants for April.

The order also directs that the new sulfuric acid regeneration (SAR) plant and sellite plant not be placed into operation until treatment facilities are provided and are in operation under a plan approved by the department.

That order is on appeal and is to be heard Sept. 6. The suit contends, however, that "the United States is preparing the SAR and sellite plants for operation and plans to place these plants in operation before constructing an approved liquid effluent treatment facility in violation of the commissioner's order and before their appeal is heard."

The suit also charges that "the United States plans to begin operation of its new direct

strong nitric acid plant (DSN) which will increase its wastewater discharge in violation of the commissioner's order before the appeal is heard. Operation of these new facilities before the appeal is heard would create a public nuisance and do immediate and irreparable injury to the waters of Tennessee."

The suit contends that, in addition, no environmental impact statement has been prepared for any of the three new plants, as required by the U.S. Code, nor has a statement been prepared for the new TNT lines which are scheduled to go into operation next February.

Fowinkle asks that after a

hearing a preliminary injunction be issued to enjoin operation of the three new plants until the state water control board can review the commissioner's order and the appeal.

He also asks that a preliminary injunction be issued enjoining the government or Atlas from further construction or operation of the plants or TNT lines until an environmental impact statement is filed.

He asks that after a final hearing a permanent injunction be issued against the government and Atlas staying them from violating the commissioner's water-quality order as it is finally approved by the water quality control board.